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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANUEL BEZERRA-IBANEZ,
aka MARIO BEZERRA,
aka CESAR CHAVEZ URIAS,
aka CARLOS DELGADO,
aka ALEJANDRO CORONA,

Defendant.

Case No.: 2:20-mj-243-NJK

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Second Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Andrew Wong, Assistant Federal Public Defender, counsel for Defendant MANUEL BEZERRA-IBANEZ, that the Court schedule the preliminary hearing in this case for no earlier than 30 days from July 28, 2020, the current preliminary hearing date. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. The United States Attorney's Office has developed an early disposition
3 program for immigration cases, authorized by the Attorney General pursuant to the
4 PROTECT ACT of 2003, Pub. L. 108-21.

5 2. The early disposition program for immigration cases is designed to: (1) reduce
6 the number of hearings required in order to dispose of a criminal case; (2) avoid having
7 more cases added to the court's trial calendar, while still discharging the government's duty
8 to prosecute federal crimes; (3) reduce the amount of time between complaint and
9 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
10 indictments in immigration cases, which in turn reduces court costs.

11 3. On or about April 2, 2020, a Complaint was filed with the Court, charging
12 defendant Bezerra with violating 8 U.S.C. § 1326(a) and (b), Deported Alien Found in the
13 United States. ECF No. 1.

14 4. Bezerra made an initial appearance before the Court on or about April 23,
15 2020, and was ordered detained pending a preliminary hearing. *Id.* at ECF No. 5. He
16 remains detained in the USMS's custody. The preliminary hearing is presently set for July
17 28, 2020.

18 5. Defendant Bezerra has signed a plea agreement with the United States, and
19 the Court has set a change of plea hearing for August 17, 2020. ECF No. 15, 2:20-cr-00141-
20 JAD-DJA.

21 6. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
22 preliminary hearing within a reasonable time, but no later than 14 days after the initial
23 appearance if the defendant is in custody"
24

1 7. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
2 showing of good cause—taking into account the public interest in the prompt disposition of
3 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
4 times”

5 8. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
6 information or indictment charging an individual with the commission of an offense shall be
7 filed within thirty days from the date on which such individual was arrested or served with a
8 summons in connection with such charges.”

9 9. If the Court does not accept the defendant’s guilty plea, he will need
10 additional time to review the discovery, investigate potential defenses, and finalize his
11 preparations for the preliminary hearing.

12 10. Accordingly, the parties jointly request that the Court schedule the
13 preliminary hearing in this case no sooner than 30 days from the current preliminary
14 hearing date.

15 11. Defendant is in custody and agrees to the extension of the 14-day deadline
16 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
17 § 3161(b), provided that the information or indictment is filed on or before the date ordered
18 pursuant to this stipulation .

19 12. The parties agree to the extension of that deadline.

20 13. This extension supports the public interest in the prompt disposition of
21 criminal cases by permitting defendant enter a plea of guilty pursuant to a written plea
22 agreement under the United States Attorney’s Office’s fast-track program for § 1326
23 defendants.
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